



Office of the City Manager

CONSENT CALENDAR
July 25, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Eleanor Hollander, Economic Development Manager
 Subject: Contracts: Turtle Island Monument, Scott Parsons and Artworks Foundry LLC

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute the following artwork contracts and any amendments for the City of Berkeley's Turtle Island Monument at Martin Luther King Jr. Civic Center Park with contract periods of July 1, 2023 through March 30, 2025:

1. Scott Parsons - for fabrication of three new stone medallions, purchase of twelve selected boulders into which seven existing art medallions will be installed, purchase of granite base stone material for mounting of five bronze turtles for an amount not to exceed \$236,000.
2. Artworks Foundry - for fabrication of a large central bronze turtle sculpture for Turtle Island Monument for an amount not to exceed \$350,000.

FISCAL IMPACTS OF RECOMMENDATION

The \$236,000 contract with Scott Parsons will be funded by two sources: \$36,000 through the Cultural Trust Fund (Fund 148), set aside in the Public Art in Private Development Budget for FY 2024, and \$200,000 through the Measure T-1 Funds approved by Council on June 13, 2023.

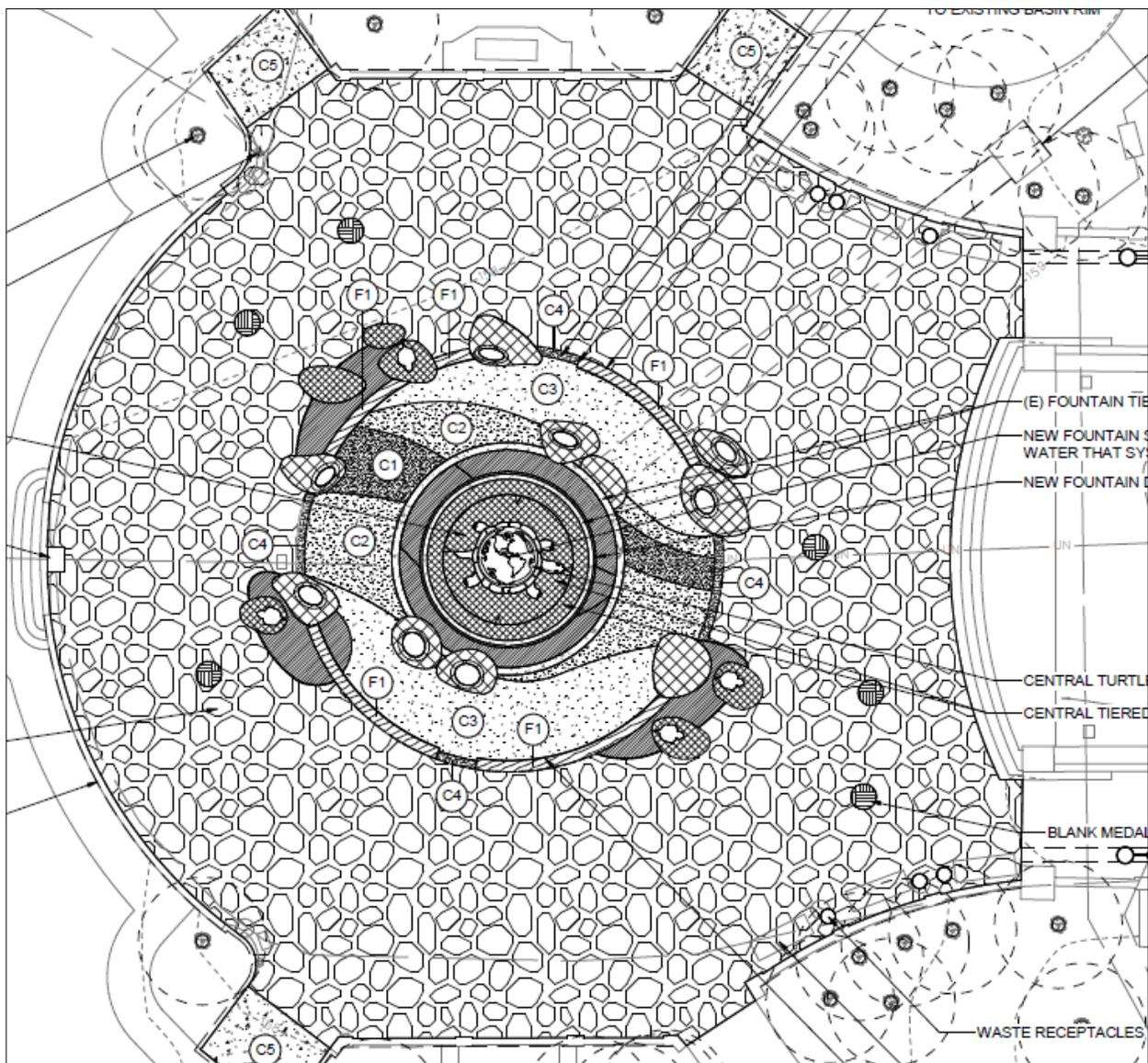
The \$350,000 contract with Artworks Foundry will be funded through the Cultural Trust Fund (Fund 148). Funding for this public art project is set aside in the Public Art in Private Development Budget for FY 2024.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Civic Arts Program along with Parks, Recreation & Waterfront (PRW) Department, Indigenous artists Lee Sprague and Marlene Watson, artist Scott Parsons, and PGA design landscape architects (Project Team) are in the design phase for the renovation of the upper plaza and fountain area at Civic Center Park. These renovations will include Turtle Island Monument, a commemorative artwork to the

Indigenous peoples of this hemisphere (the Americas) through an interpretation of the Indigenous creation story of Turtle Island, as envisioned in the 1992 dedication of the site for this purpose. In March of 2023, this project received approval from the Landmarks Preservation Commission for a Structural Alteration Permit and construction is planned to commence in FY24 and be completed by June 2024. The design includes four existing bronze turtles created by Scott Parsons in 2006 (currently in residence at 2180 Milvia Street) and new large central bronze turtle to be fabricated by Artworks Foundry, pending approval of this contract.

Figure 1: Turtle Island Monument design (2023)



The current 2023 Turtle Island Monument design reflects the voice and vision of Indigenous People led by Lee Sprague and Marlene Watson, incorporates the four existing bronze turtles and seven existing medallion artwork elements by Scott Parsons through consultation with him, and integrates the monument design into the historic Civic Center Park and the former fountain. In addition to the existing artwork elements developed by Scott Parsons in 2006, the 2023 Turtle Island Monument design calls for the creation of a new large central bronze turtle (to be fabricated by Artworks Foundry) and for three additional stone medallions created by Scott Parsons. Additionally, Scott Parsons will purchase twelve granite boulders and five granite sculpture bases where artwork elements will be mounted. Two granite boulders may not have medallions installed on them and instead might be engraved with information about Turtle Island. The new large central bronze turtle will be designed by the original Indigenous artists Lee Sprague and Marlene Watson through separate design contracts, which include coordination and consultation with the foundry throughout the production of the bronze artwork.

Turtle Island Creation Story

The design of Turtle Island Monument is based upon the Indigenous creation story depicting Turtle Island is common to different indigenous communities around the world. In the story, the world was covered with water and all the animals were swimming. They were getting tired, so they respectfully asked the muskrat to go under the water to see if there was any earth. So, the muskrat went down to find the earth. All the animals were waiting for the muskrat to reappear. They were worried for the muskrat. Finally, his body floated to the surface. The animals looked in his paw and they found some earth. They put the earth on the back of the turtle. The rest of the animals now knew that there was earth under the water so they each went down to get some earth. They all put the Earth on the turtle's back. This is how Turtle Island was created.

Embodying the Turtle Island Creation Story in the Monument's Design

The conceptual design represents this origin story with an east-facing freshwater snapping turtle at the center of the monument symbolizing the creation of Turtle Island, and includes a time capsule to be preserved for seven generations. The stone medallions represent peoples who are Indigenous to Turtle Island. There will also be blank stone medallions embedded in the paving to represent the Indigenous communities that have been lost to the history of colonial violence, and who are no longer here. The four bronze loggerhead oceanic turtles, commissioned in 2006, are to be positioned around Turtle Island.

The Turtle Island Monument at the former MLK Jr. Civic Center Park fountain invites all people to enter and engage with sculpture, mosaics, fountain walls, natural stones and plantings. Interpretive signage will narrate the Indigenous origin story and history of the Monument. People are invited to sit and linger while facing the central turtle or outwards toward the park. The intention of the Turtle Island Monument is to authentically tell this story, to illuminate this park's intangible asset that is its role in the founding and

celebration of Indigenous People's Day, to respect and contribute to the history and evolution of MLK Jr. Civic Center Park, and to engage the people of Berkeley on a physical, emotional, and cultural level.

The Monument's palette of materials and forms represent water as a sacred resource, the true cardinal directions and their axes, and the experience of asymmetry and symmetry in the natural world. There is also a reference to four sacred colors representing the four directions, and cardinal points are marked at the entries into the monument. The resulting circulation and layout will create a dynamic, immersive, and accessible experience for Turtle Island Monument visitors.

BACKGROUND

Turtle Island Monument has been in development for over 30 years. In the 1990s, it was first proposed by Lee Sprague as artist and Marlene Watson as project designer. They worked with both the City of Berkeley and Indigenous communities internationally to develop the monument's design – merging an Indigenous ethic and aesthetic with the requirements provided by the City and its Commissions.

On July 7, 1992, Berkeley City Council approved the recommendation from the Berkeley Peace and Justice Commission for *“the creation of the Turtle Island Project, as the native Nation's monument within the Peace Wall circle at Martin Luther King Civic Center Park, as adopted by the Berkeley City Council in the Resistance 500 Task Force Proposal and with the support of the Landmarks Preservation and the Civic Arts Commissions.”* In 1992, the City of Berkeley became the first city in the U.S. to declare and institute Indigenous Peoples Day, to coincide with the 500th anniversary of the arrival of Columbus in the Americas on October 12, 1492. The City included a designation of the Turtle Island Monument and Time Capsule at the fountain at Civic Center Park as part of the declaration.

The original proposal for the Turtle Island Monument included *“a round base of granite with entry from the East. In the center of the circle will be a bronze turtle ... Around Turtle Island will be a circle of water... round tiles with the names of Indigenous nations and people engraved on them. Many of the tiles will be blank, to represent the people who are no longer with us, languages that are not heard anymore, and nations that have ceased to exist since 1492.”* In 2005, the City underwent a public process to commission artist Scott Parsons to create four bronze oceanic loggerhead turtle sculptures and facilitate the creation of stone art medallions by North, Central and South American Indigenous artists and international tribal representatives. The medallion art pieces have been in storage to be installed as part of the Turtle Island Monument. The four bronze turtles are currently displayed on the first and fifth floors of the Martin Luther King Jr Civic Center Building at 2180 Milvia Street.

In 2018, the Berkeley City Council made a referral to the City Manager to develop a plan to revitalize the fountain at Martin Luther King, Jr. Civic Center Park. With this direction, City staff began the process to re-engage the community and further develop the conceptual design. In 2022, the City received a “Clean California Local Grant Program” from Caltrans for \$591,666 (to be spent by June 30, 2024) to make improvements to the former fountain area located in the Upper Plaza of Civic Center Park.

In July of 2022, the City entered into contract with the Indigenous artists Lee Sprague and Marlene Watson who had originally proposed Turtle Island Monument in 1992. The City also contracted with Scott Parsons to integrate the artwork elements, that he created and fabricated in 2006–2008, into the monument design and to compensate the contemporary Native American artists for the additional and existing medallion designs. The current design effort has involved a series of over 15 meetings including: stakeholder engagement meetings, a listening session, project meetings, design workshops, and design iterations discussion. In August 2022 a two-day design charrette was conducted in which Indigenous leaders and supporters from across the United States attended including creators of the existing art elements, Lee Sprague and Marlene Watson and Scott Parsons.

To date, this project has received the following approvals:

Civic Arts Commission meeting, December 7, 2022

Turtle Island Monument Conceptual Design: M/S/C (Anno/Passmore) to approve the Conceptual Design of the Turtle Island Monument. Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Ozol. Public Comment: 13

Parks Recreation and Waterfront Commission meeting, January 11, 2023

Civic Center Turtle Island Monument / Fountain Project
(The commission M/S/C to support the project as presented with the inclusion of creative water elements to consider: Kawczynska/Floyd/U) (M/S/C: Avellar/Cox/U): Ayes: Abshez; Avellar; Birnbach; Cox; Floyd; Kawczynska; Wozniak; Noes: none; Absent: Diehm, Srioudom.

Landmarks Preservation Commission for a Structural Alteration Permit, March 30, 2023.

#LMSAP2023-0001 to install a Turtle Island Monument at the Civic Center Park Fountain, located on a City Landmark property within the Civic Center Historic District. Commission Vote: 5-1-0-3 Yes: Crandall, Enchill, Finacom, Linvill, Twu No: Adams, Abstain: None. Absent: Leuschner, Montgomery, Schwartz.

On February 24, 2021, Civic Arts Program staff issued Request for Qualifications (RFQ) Specification No. 21-11438-C, for a Prequalified Pool of Fine Art Services Providers, including “Fine Art Fabrication” services (Attachment 3). A panel comprised of City staff

and an outside arts professional evaluated and scored 30 applicants to establish a prequalified pool of contractors that met the requirements for each service category. The prequalified service providers with the highest scores for Fine Art Fabrication services have been determined by to be: Artworks Foundry, LLC; Barnacle Bros. Sculpture & Custom Fabrication Inc.; DEKA; and Gizmo Art Production, Inc. Of these qualified firms, Artworks Foundry, LLC has been determined to be the best fit for fabrication of cast bronze sculpture.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the content of this report.

RATIONALE FOR RECOMMENDATION

Scott Parsons is the artist who created the existing stone medallions that will be installed as part of Turtle Island Monument. Any additional stone medallions need to be created by Scott Parsons as these new elements are part of the same artwork series. Additionally, these stone medallions will be embedded into a series of granite boulders to be installed within the new Turtle Island Monument. Likewise, the four bronze turtles Scott Parsons created for the City in 2006 will be mounted on new granite bases for integration into the new Turtle Island Monument. In order to ensure a consistent look across all granite elements for the new monument, Scott Parsons will also purchase from the same quarry the granite base for the new central turtle.

Artworks Foundry LLC is a local pre-qualified Artwork Fabrication company and they have particular expertise in casting large-scale bronze sculptures.

ALTERNATIVE ACTIONS CONSIDERED

There were no alternative actions considered.

CONTACT PERSON

Jennifer Lovvorn, Office of Economic Development, (510) 981-7533

Attachments:

- 1: Resolution for contract with Scott Parsons
- 2: Resolution for contract with Artworks Foundry, LLC
- 3: Request for Qualifications (RFQ) Specification No. 21-11438-C: *FOR PRE-QUALIFIED POOL OF FINE ART SERVICES PROVIDERS*

RESOLUTION NO. ##,###-N.S.

CONTRACT WITH SCOTT PARSONS FOR CREATION OF THREE STONE
MEDALLIONS AND PURCHASE OF GRANITE BOULDERS AND BASES FOR
ARTWORK ELEMENTS FOR TURTLE ISLAND MONUMENT

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley underwent a public process in 2005 to commission artist Scott Parsons to create four bronze oceanic turtle sculptures and facilitate the creation of stone art medallions by North, Central and South American Indigenous artists and international tribal representatives; and

WHEREAS, the 2023 Turtle Island Monument design calls for the creation of three additional stone medallions created by Scott Parsons to be embedded along with the existing stone medallions into twelve granite boulders; and

WHEREAS, the 2023 Turtle Island Monument design also calls for the four bronze turtles Scott Parsons created for the City in 2006 to be mounted on new granite bases for integration into the new Turtle Island Monument, and

WHEREAS, in order to ensure a consistent look across all granite elements for the new monument, Scott Parsons will also purchase from the same quarry the granite base for the new central turtle, and

WHEREAS, Funding for the artwork contract was set aside in the Public Art in Private Development Budget for FY 2024 (\$36,000) and \$200,000 from Measure T-1 as approved by Council on June 13, 2023; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Scott Parsons for the creation of three stone medallions and purchase of granite boulders and bases for artwork elements for Turtle Island Monument with the contract period of July 1, 2023 through March 30, 2025 in an amount not to exceed \$236,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

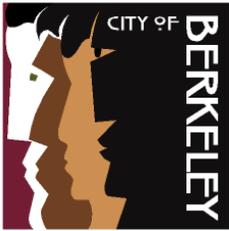
CONTRACT WITH ARTWORKS FOUNDRY LLC FOR ON-CALL FINE ART SERVICES

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley's Civic Arts Program issued Request for Qualifications Specification No. 21-11438-C, and established a Prequalified Pool of Fine Art Service Providers that includes Artworks Foundry LLC; and

WHEREAS, Funding for the artwork fabrication contract was set aside in the Public Art in Private Development Budget for FY 2024; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Artworks Foundry LLC for on-call fine art services for the contract period of July 1, 2023 through March 30, 2025 in an amount not to exceed \$350,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



Civic Arts Program
Office of Economic Development

REQUEST FOR QUALIFICATIONS (RFQ)
Specification No. 21-11438-C
FOR
PRE-QUALIFIED POOL OF FINE ART SERVICES PROVIDERS

RFQ Issue Date: February 24, 2021
Applicant Questions Due: March 10, 2021
Application Deadline: April 6, 2021 (by 5 PM)

I. INTRODUCTION

The City of Berkeley's public art enlivens and beautifies its civic buildings, parks, streetscapes, and other public spaces. Since its inception in 1967, Berkeley's Civic Arts Program has acquired approximately 50 outdoor permanent public artworks, including works of sculpture, integrated design elements, mosaics, tile artworks, and painted murals. Also included in the City's artwork collection are over 50 small portable, and mostly framed, artworks such as drawings, etchings, paintings, textiles and prints displayed in City buildings. The Civic Arts Program is also actively commissioning between three to five new public artworks a year, requiring artwork fabrication and installation services.

The City of Berkeley's Civic Arts Program is responsible for documenting, cataloguing, and maintaining the artwork in this collection. These responsibilities require the Civic Arts Program to install, de-install, transport and store large scale artwork, as well as to frame and install smaller works, provide didactic signage, photograph and video document artworks as installed, and catalogue artwork in the collection. All of the artwork in the collection has been evaluated within the last two years and the Civic Arts Program intends to conserve the artworks in most need of treatment as funding becomes available. In addition to scheduled maintenance, artworks in the collection also occasionally require emergency repair.

By issuing a Request for Qualifications for individuals and firms that are qualified within any one or all of the art service categories described below, the Civic Arts Program will be able to establish a pre-qualified pool of firms with whom the City of Berkeley may contract for services without having further general bidding requirements.

The art service categories are as follows:

- A. Contractors to install and de-install large-scale works of public art
- B. Fine Art Conservators
- C. Art Care Technicians, Audio Visual Technicians, and Artwork Preparators
- D. Fine Art Transportation and Storage
- E. Art Photography, Videography, Graphic Design, Computer Aided Design (CAD) for Artwork Placement Renderings, Digital Imaging, and Sign Makers
- F. Fine Art Framing Services
- G. Fine Art Fabrication
- H. Public Art Curation and Project Management
- I. Art Collection Registrar Services

Firms may apply for qualification in one or more categories. The scope of work and qualifications for each of these categories are described below.

The Civic Arts Program will review applications and establish a pool of qualified firms for the purpose of awarding contracts as needed. The Pre-qualified Pool of Fine Art Services Providers will remain active for three years with an option by the City to renew the pre-qualified pool for another three years. Work will occur throughout the City of Berkeley. Being approved for the pre-qualified pool does not guarantee that a firm will be awarded a contract. Contracts will range in length from one to three years and the City shall have the option to extend the term of a contract for a period of up to an additional three years, which the City may exercise in its sole, absolute discretion. Contractors will work on a task order basis. City staff will request a quote prior to service and provide an approved task order prior to work being scheduled.

II. SCOPE OF SERVICES

Through this RFQ, the City of Berkeley's Civic Arts Program will identify a number of firms qualified within one or more art service categories, each of which require different qualifications and experience. The Scope of Work and Qualifications are to be used as a general guide for each of the art service categories, and are not intended to be a complete list of all work that may be performed in any category, or to be complete or specific to any particular project.

ART SERVICE CATEGORIES AND ASSOCIATED WORK/QUALIFICATIONS:

A. Contractors to install and de-install large-scale works of public art

Sample Services: Installing, removing, and transporting large scale works of art and artwork integrated into architecture, or repair/re-fabrication of associated features such as foundations, sculptural bases, or hardscape. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include conservators, structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years' experience performing the work described above.
2. Ability to provide qualified personnel with substantial experienced in installing and moving large scale works of art.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

B. Fine Art Conservators

Sample Services: Ability to provide full conservation and restoration services in the media of the Conservator's specialization. Typical needs include providing a wide variety of services for the care and maintenance of the City's art collection, cultural artifacts and properties under the Civic Arts Program's jurisdiction. Typical projects include providing specialized consulting, performing material investigations on the condition of artworks in the collection and providing the City with reports and recommendations; preparing conservation/restoration work project specifications; on-site cleaning, graffiti removal, conservation and restoration of the City's sculptures in various media, cleaning and conservation of paintings, murals; conservation of photographs, prints, and other works on paper. Repair and/or replacement of missing or damaged portions of sculptures. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Team Lead Conservator for conservation projects must hold a degree from a recognized Conservation Program identified by the American Institute for Conservation and Cultural Properties (AIC) and must adhere to the AIC Code of Ethics and Guidelines of Practice.
2. Five (5) years' experience performing the work described above.
3. Ability to provide full conservation and restoration services in the media of the Conservator's specialization.
4. Conservator must have a minimum of five (5) years professional conservation experience specializing in objects conservation with direct experience with the media of the sculpture to be restored.
5. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

C. Art Care Technicians, Audio Visual Technicians, and Artwork Preparators

Sample Services: Surface cleaning, waxing and applying anti-graffiti coatings on sculptures and other public artworks, graffiti removal and minor repairs of contemporary artworks in a variety of media. Artwork may include audio visual installations utilizing digital projectors, monitors, data players, computer programs, and multi-channel speaker systems. Work may include installing and de-installing paintings and small to medium size sculptures. Must be able to provide lifts, scaffolding, equipment and other subcontractors as necessary.

The Civic Arts Program is also looking for technicians to maintain specialty media and related systems for audio, video, lighting, and electronic media.

Qualifications:

1. Five (5) years of experience in the field. Past experience and qualifications may include course work in subjects related to care and conservation of artwork at a recognized college or university; work in a foundry or working as an assistant to a conservator or museum preparator, museum or gallery work with audio and visual media art installations, or other related experience.
2. Demonstrated background in working with media and system maintenance for material specialization in audio, video, lighting, and electronic media.
3. Adherence to the American Institute of Conservators (AIC) Code of Ethics.
4. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

D. Fine Art Transportation and Storage

Sample Services: Secure climate and non-climate storage areas; domestic and international transportation; including blanket-wrap and soft-packing services and specialty crates. May act as shipping agent; make courier arrangements, administer bills of lading, provide proper documentation and additional insurance as-needed. Provide air-ride, secure, climate controlled vehicles and oversized lift gates and other equipment as needed.

Qualifications:

1. Five (5) years of experience providing the services listed above. Past experience and qualifications may include course work in subjects related to care and conservation of artwork at a recognized college or university; work in a foundry or working as an assistant to a conservator or museum preparator or other related experience
2. Ability to provide secure storage site with climate control if required.
3. Ability to provide experienced and qualified personnel.
4. Demonstrated sensitivity to the artistic integrity and cultural impact artworks.

E. Art Photography, Videography, Graphic Design, Computer Aided Design (CAD) for Artwork Placement Renderings, Digital Imaging, and Sign Makers

Sample Services: Photography, videography, design, color correction, typography and fine art reproductions in multiple formats. Photography services may include photographing and providing images in multiple formats, including the ability to provide color corrections. Videography services may include documenting artwork installations in video. Graphic Designers and Computer Aided Design (CAD) for Artwork Placement Renderings and may include production of vector files for artwork production or digital images showing an artwork in a potential location from many angles. Sign makers scope of work may incorporate digital images and may include

digital file production, typography and design services as well as the fabrication and installation of integral hardware, pedestals, and plaques in different materials and media, some that may require special engineering. All will provide their own equipment, transportation, and may be asked to scout locations and conditions of artworks sited indoors and outdoors, previous to commencing work. Work may include subcontracting with other firms to provide entire scope of services needed for a particular or large-scale projects. Sample subcontracts might include structural engineers, electrical work, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

F. Fine Art Framing Services

Sample Services: Full range of professional framing services and archival materials with the capacity for managing high volume projects including the delivery, packing and storing of artworks.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

G. Fine Art Fabrication

Sample Services: Fabrication of artwork as designed by an artist. An art fabrication company has access to the resources, specialized machinery and technologies, and labor necessary to execute large scale artworks beyond the capacity of an individual artist's studio. An example of this is a metal casting foundry. Work may include subcontracting with other firms to provide entire scope of services needed for a particular project. Sample subcontracts might include structural engineers, electrical work, masons, welders, rigging, and other trades. Work in this category may include use of lifts, scaffolding, and other equipment as necessary.

Qualifications:

1. Five (5) years' experience performing the work described above.
2. Ability to provide qualified personnel with substantial experienced in artwork fabrication in the techniques specified in the artist's design.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

H. Public Art Curation and Project Management

Sample Services: Develop the project's public art plan, facilitate artist and artwork selection, interface with the City of Berkeley on approvals, provide expert artwork curation and project management, develop and manage artwork fabrication and installation, and manage the art budget. A qualified Public Art consultant may be a curator or art consultant with proven experience of overseeing artist selection and management of art in public places.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Ability to provide experienced and qualified personnel.
3. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

I. Art Collection Registrar Services

Sample Services: Develop and maintain records management systems related to artwork documentation with individual files for each object in the collection. Documentation includes information about an artwork's

condition, its identification number, provenance, materials, treatment reports, and its physical location. Services might include ensuring the completeness of records within an on-line collection data base and corollary paper records.

Qualifications:

1. Five (5) years of experience providing the services listed above.
2. Working knowledge of American Association of Museum's Code of Ethics as well as the Collecting Guidelines for Museums.
3. Skilled in object handling.
4. Knowledgeable about collection management software for cataloging and record keeping.
5. Ability to provide experienced and qualified personnel.
6. Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.

III. APPLICATION SUBMISSION REQUIREMENTS

In order to be considered for the pre-qualified pool of arts service providers, applicants must submit a fully completed application and provide all required application materials. The application consists of the following components:

A. Consultant Identification:

Provide the name of the firm, the firm's principal place of business, the name and telephone number of the contact person and company tax identification number.

Applicants will select the art service categories for which they are qualified on the application form.

B. Firm Experience:

Provide an executive summary of your experience and qualifications and listing of projects completed by the firm within the past five (5) years for each of the Art Service categories for which you are qualified. This listing should include a brief description of each project the firm has completed that require the same experience and expertise described under the qualifications listed for each of the Art Service categories, including the client, the project location, date, and name, email address and telephone number of a contact person.

C. Individual Staff Experience:

Provide a listing of each key staff person in the firm who will be assigned to the project and background information demonstrating their capabilities and qualifications to perform the assigned task. For each individual, provide current professional registrations, related experience, educational background, and years of experience with the team.

D. Client References:

Provide a minimum of three client references. At least on references should be a California city or other large public sector entity. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

E. Contract Terminations:

If your organization has had a contract terminated in the last five (5) years, describe such incident. Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party’s name, address, and phone number. Present the vendor’s position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the application on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

F. Fee Structure:

Fees will remain in effect for the duration of the contract. With proper documentation, the City will reimburse only for pre-approved equipment rentals and supply purchases that are unique to our artworks. We do not reimburse for routine supplies, travel, lodging, per diem, or other ad-hoc miscellaneous expenses. Please take that into account with your rates.

Provide the following:

- a. Hourly rate for principals and any staff or employees most likely to work on Civic Arts Program projects.
- b. Firm overhead rate or mark-up rate, if applicable.
- c. Equipment Rental

IV. CONSULTANT SELECTION PROCESS

Evaluation and Selection Criteria

Firms will be rated in each of the Art Service categories they submit under as either being:

1) Highly Qualified, 2) Qualified or 3) Not Qualified. A firm must receive the ranking of Qualified in at least one of the Art Service categories for which they wish to be considered to be included in the pre-qualified pool. The City intends to evaluate qualifications in accordance with the criteria listed below.

Evaluation Categories	Evaluation Criteria	Points Possible
I. Professional Qualifications	a) Minimum (5) years of experience in the field	10 pts.
	b) Demonstrated sensitivity to the artistic integrity and cultural impact of artworks.	10 pts.
	c) Meets required qualifications as described in RFQ for specific art service category for which they are applying.	20 pts.
II. Demonstrated Experience	a) Demonstrated recent experience of individual or team working with media they claim expertise.	20 pts.
	b) Quality of recently completed projects, including evidence of care to maintain the integrity of the artwork, adherence to the AIC Code of Ethics (where applicable) and adherence to schedules, deadlines and budgets.	20 pts.

	c) Evidence of experience as an Art Service Provider and relative scale and complexity of projects completed.	10 pts.
III. Reasonable Fee Structure	a) Proposed fees are set within industry standard.	10 pts.
TOTAL POSSIBLE POINTS		100 pts.

The Civic Arts Program will select a pre-qualified pool of firms within each of the Art Service categories which the Civic Arts Program staff may consider for “as-needed” contracts or for specific projects as the need arises. The inclusion of any firm in the pre-qualified pool shall not imply any obligation on the part of the City of Berkeley to enter into an agreement with the firm. In selecting a firm for a contract, the Civic Arts Program staff may consider any one, or a combination, of the criteria listed below:

1. The firm has the highest ranking of all the firms in its category.
2. The firm is the most qualified within its Art Service category to perform the work on a specific type of project.
3. The firm is available to perform the work in a timely manner.
4. The firm offers the most favorable cost estimate to perform the work.
5. The Civic Arts Program requests proposals from the pre-qualified firms for a specific project and selects a firm based on its proposal and the selection criteria for that project.

The City reserves the right to reject any and all submissions.

V. QUESTIONS REGARDING RFQ

For questions concerning the anticipated work, or scope of the project, please contact Jennifer Lovvorn, Chief Cultural Affairs Officer, via email at JLovvorn@CityofBerkeley.info no later than **January 26, 2021**. Answers to questions will not be provided by telephone or email. Answers to all questions or any addenda will be posted on the City of Berkeley’s Civic Art site at <https://www.cityofberkeley.info/civic-arts/>. It is the vendor’s responsibility to check this site. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

VI. CITY CONTRACTING REQUIREMENTS

Firms receiving contracts with the City shall comply with the following requirements:

A. Non-Discrimination Requirements:

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal**

B. Nuclear Free Berkeley Disclosure Form:

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

C. Oppressive States:

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

D. Sanctuary City Contracting Ordinance:

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). **Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.**

E. Conflict of Interest:

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

F. Berkeley Living Wage Ordinance:

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here: https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx. The Living Wage rate is adjusted automatically effective June 30th of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

G. Berkeley Equal Benefits Ordinance:

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

H. Statement of Economic Interest:

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

I. Insurance

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

Insurance not Necessary: If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City. This determination must be made by the Risk Manager in writing before the RFP is issued.

Insurance Waiver: A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)

J. Worker's Compensation Insurance:

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

(Worker's Compensation Insurance cannot be waived for any person who employs others.)

K. Business License

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (see B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

L. Recycled Paper

Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.

M. State Prevailing Wage

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et. seq. These labor categories, when employed for any “work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work,” constitute a “Public Work” within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at: http://www.dir.ca.gov/OPRL/statistics_and_databases.html

VII. SCHEDULE (dates are subject to change)

- Issue RFQ to Potential Bidders: February 24, 2021
- Questions Due March 10, 2021
- Application Deadline April 6, 2021 (by 5 PM)
- Complete Selection Process May 1, 2021
- Council Approval of Contract (over \$50k) June 15, 2021

VIII. PAYMENT

Invoices: Invoices must be fully itemized, and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the Project Manager and reference the contract number.

City of Berkeley Civic Arts Program
2180 Milvia Street, 5th Floor
Berkeley, CA 94706
Attn: **Jennifer Lovvorn**

Payments: The City will make payment to the vendor within 30-days of receipt of a correct and complete invoice.

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your Statement of Qualifications.